

1                               BEFORE THE  
2                               ILLINOIS COMMERCE COMMISSION

3                               BENCH SESSION

4                               (TRANSPORTATION)

5  
6                               Chicago, Illinois  
7                               Thursday, June 2, 2011

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10               Met, pursuant to notice, at 10:30 a.m. in  
11       the Main Hearing Room, Eighth Floor, 160 North  
12       LaSalle Street, Chicago, Illinois.

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14       PRESENT:

15       DOUGLAS P. SCOTT, Chairman

16       LULA M. FORD, Commissioner

17       ERIN M. O'CONNELL-DIAZ, Commissioner

18       SHERMAN J. ELLIOTT, Commissioner

19       JOHN T. COLGAN, Acting Commissioner

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21  
22       SULLIVAN REPORTING COMPANY, by  
      Alisa A. Sawka, CSR, RPR

1 License No. 084-004588

2 CHAIRMAN SCOTT: Pursuant to the provisions of  
3 the Illinois Open Meetings Act, I now convene a  
4 regularly scheduled Bench Session of the Illinois  
5 Commerce Commission. With us in Chicago are  
6 Commissioners Ford, O'Connell-Diaz, Elliott and  
7 Acting Commissioner Colgan. I'm Chairman Scott and  
8 we have a quorum.

9 Before moving into the Agenda,  
10 according to Section 1700.10 of Title 2 of the  
11 Administrative Code, this is the time we allow the  
12 members of the public to address the Commission.  
13 Members of the public wishing to address the  
14 Commission must notify the Chief Clerk's Office at  
15 least 24 hours prior to the Bench Session. According  
16 to the Chief Clerk's Office, we have no requests to  
17 speak at today's session.

18 We will start with our Transportation  
19 Agenda and specifically the railroad section. Items  
20 RR-1 through RR-20 can be taken together. These  
21 items each concern Stipulated Agreements regarding  
22 public safety improvements at highway rail grade

1 crossings across Illinois. In each case Staff  
2 recommends that the Commission enter an Order  
3 approving the Stipulated Agreement.

4 Is there a motion to enter the Orders?

5 ACTING COMMISSIONER COLGAN: So moved.

6 CHAIRMAN SCOTT: Is there a second?

7 COMMISSIONER O'CONNELL-DIAZ: Second.

8 CHAIRMAN SCOTT: It's been moved and seconded.

9 All in favor, say "aye."

10 (Chorus of ayes.)

11 CHAIRMAN SCOTT: Any opposed?

12 (No response.)

13 CHAIRMAN SCOTT: The vote is 5 to nothing and  
14 the Orders are entered.

15 We will use this 5 to nothing vote for  
16 the remainder of the Transportation Agenda unless  
17 otherwise noted.

18 Items RR-21 through RR-27 can be taken  
19 together. These items are Petitions for Orders  
20 Authorizing Construction, Improvements and  
21 Modifications At Railway Crossings across Illinois.  
22 In each case the ALJ recommends that the Commission

1     enter an Order granting the Petition and allowing the  
2     project to move forward.

3                     Is there any discussion?

4                     (No response.)

5             CHAIRMAN SCOTT:   Any objections?

6                     (No response.)

7             CHAIRMAN SCOTT:   Hearing none, the Orders are  
8     entered.

9                     Items RR-28 and RR-29 can be taken  
10    together.  These items each concern Stipulated  
11    Agreements regarding public safety improvements of  
12    highway rail grade crossings across Illinois.  In  
13    each case Staff recommends that the Commission enter  
14    a Supplemental Order approving an extension of time  
15    associated with the project's completion.

16                    Is there any discussion?

17                    (No response.)

18             CHAIRMAN SCOTT:   Any objections?

19                    (No response.)

20             CHAIRMAN SCOTT:   Hearing none, the Supplemental  
21    Orders are entered.

22                    The Motor Carriers, Item MC-1 involves

1 a Stipulated Settlement Agreement concerning alleged  
2 violations of the Illinois Commercial Transportation  
3 Law by David Nezbit. Our Transportation Counsel  
4 recommends entry of an Order accepting the Stipulated  
5 Settlement Agreement.

6 Is there any discussion?

7 (No response.)

8 CHAIRMAN SCOTT: Any objections?

9 (No response.)

10 CHAIRMAN SCOTT: Hearing none, the Order is  
11 entered and the Settlement Agreement is approved.

12 Item MC-2 is Aaron Moffitt's  
13 Application for a Dispatcher's Employment Permit  
14 under the Illinois Commercial Relocation of  
15 Trespassing Vehicles Law. ALJ Duggan recommends  
16 entry of an Order dismissing this Application without  
17 prejudice due to the Applicant's failure to appear at  
18 hearings.

19 Is there any discussion?

20 (No response.)

21 CHAIRMAN SCOTT: Any objections?

22 (No response.)

1           CHAIRMAN SCOTT:   Hearing none, the Order is  
2   entered and the application is dismissed.

3                       Item MC-3 is Charles Neal's  
4   Application for an Operator Employment Permit under  
5   the Illinois Commercial Relocation of Trespassing  
6   Vehicles Law.   ALJ Kirkland-Montague recommends entry  
7   of an Order approving the Application.

8                       Is there any discussion?

9                       I'd ask the ALJ if they can be present  
10   because I wanted to ask a couple questions about  
11   this.

12                      Is ALJ Kirkland-Montague available?

13           MR. MATRISCH:   Chairman Scott, this is Steve  
14   Matrisch.   Judge Kirkland-Montague is out on a  
15   medical leave.   So I can, perhaps, answer some  
16   questions.   If not, then the matter can be held until  
17   the next Bench Session.

18           CHAIRMAN SCOTT:   The question that I had was  
19   regarding the criminal case that was involved here,  
20   and if you or the ALJ had any details of that  
21   particular case.

22                      Was it pled?   Was it a Plea Agreement?

1 Was it a trial?

2 MR. MATRISCH: Chairman, I do not know the  
3 answer to that question. I apologize.

4 CHAIRMAN SCOTT: In that case, I'd like to hold  
5 it till the next session.

6 MR. MATRISCH: Sure. Thanks.

7 CHAIRMAN SCOTT: Item MC-4 is Sean Harms  
8 Tiernan's Application for a Renewal of his Operator  
9 Employment Permit under the Illinois Commercial  
10 Relocation of Trespassing Vehicles Law. ALJ Duggan  
11 recommends that the Commission enter an Order  
12 granting the Application.

13 Is there any discussion?

14 (No response.)

15 CHAIRMAN SCOTT: Any objections?

16 (No response.)

17 CHAIRMAN SCOTT: Hearing none, the Order is  
18 entered and the Application is approved.

19 Item MC-5 is Moore's Furniture & Plan  
20 Movers Application for an extension of its Household  
21 Goods Property and Motor Carrier Authority.

22 ALJ Duggan recommends that the Commission enter an

1     Order approving the Application.

2                     Is there any discussion?

3                     (No response.)

4             CHAIRMAN SCOTT:   Any objections?

5                     (No response.)

6             CHAIRMAN SCOTT:   Hearing none, the Order is

7     entered and the Application is approved.

8                     Mr. Matrisch, is there any further

9     business to come before the Commission today?

10            MR. MATRISCH:   Nothing further, Chairman.

11     Thank you.

12            CHAIRMAN SCOTT:   Thank you.

13                     Hearing none, that concludes today's

14     Transportation Agenda.

15                     (Whereupon, the Public Utility

16                     Agenda is contained in a

17                     separate transcript.)

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